

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM MURR, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

MIDLAND NATIONAL LIFE INSURANCE
COMPANY,

Defendant.

Civil No. 11-cv-1362-BTM (POR)

**ORDER GRANTING DEFENDANT'S
REQUEST FOR JUDICIAL NOTICE**

[ECF No. 2]

On June 17, 2011, Defendant Midland National Life Insurance Company filed a Motion to Quash an Out of District Subpoena. (ECF No. 1.) Defendant also filed the instant Request for Judicial Notice in Support of its Motion to Quash Subpoena, requesting the Court take judicial notice of eight documents attached to the Declaration of Samuel J. Park. (ECF No. 2.)

Rule 201(b) of the Federal Rules of Evidence provides: "A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." In other words, a court may take judicial notice of facts that "only an unreasonable person would insist on disputing." *Walker v. Woodford*, 454 F. Supp. 2d 1007, 1022 (S.D. Cal. 2006) (internal quotations omitted).

Good cause appearing, the Court hereby **GRANTS** Defendant's Request for Judicial Notice of the following documents:

1. Exhibit B: Plaintiff William Murr's ("Murr") Response to Midland's Motion for an

Order Prohibiting the Production of Information Designated as Confidential Pursuant to the Protective Order Regarding Confidential and Trade Secret Information, filed on June 9, 2011, in a consolidated class action in the United States District Court, Central District of California, Western Division, entitled *In re Midland National Life Insurance Co. Annuity Sales Practices Litigation*, Case No. 2:07-ml-01825-CAS (MANx) (the “MDL 1825”).

2. Exhibit C: Stipulation and Order Regarding Confidential and Trade Secret Information (“Protective Order”) entered on June 26, 2006 in the MDL 1825.
3. Exhibit D: Pretrial Order No. 2 entered on June 1, 2007 in the MDL 1825.
4. Exhibit E: Civil Minutes—General entered on April 22, 2011 in the MDL 1825.
5. Exhibit F: Murr’s Class Action Complaint against Midland filed on August 11, 2010, in the United States District Court, Southern District of Iowa, Central Division, Case No. 4:10-cv-00369 (the “Murr Action”).
6. Exhibit N: Midland’s Motion for an Order Prohibiting the Production of Information Designated as Confidential Pursuant to the Protective Order Regarding Confidential and Trade Secret Information filed on May 27, 2011, in the MDL 1825.
7. Exhibit O: Midland Consolidated Class Action Complaint filed on June 4, 2007, in the MDL 1825.
8. Exhibit R: Stipulated Protective Order Regarding Confidential and Trade Secret Information entered on February 10, 2011 in the Murr Action.

IT IS SO ORDERED.

DATED: July 15, 2011



LOUISA S PORTER
United States Magistrate Judge

cc: The Honorable Barry T. Moskowitz
All parties